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IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEVADA

Timothy P. Harris, Pro Se'	)	
Plaintiff	)	Case No: 2:10-cv-01662-GMN-LRL
V.	)	The Honorable Gloria M. Navarro
AMERICAN GENERAL FINANCIAL SERVICES OF AMERICA, INC.	)	<b>Civil Rights Violation Complaint</b> <b>Trial By Jury Demanded</b>
Defendant	)	

**MOTION TO VACATE ORDER TO STAY DISCOVERY**

Comes now, the Plaintiff, Timothy Harris, on and for the record with this motion. The Plaintiff does not agree and has never agreed to this case being adjudicated by a magistrate judge. This is evidenced by Plaintiff's Notice to District Judge, see exhibit A, and also by Plaintiff's Affidavit Of Non-Consent, see exhibit B, which are both on the court record and attached hereto. As this is the case, the Plaintiff moves to have the magistrate judge's Order granting Defendant's Motion to Stay Discovery Pending Resolution of It's Motion to Dismiss Plaintiff's Complaint vacated from the record based on 28 U.S.C. § 636(c)(1) as the magistrate lacked jurisdiction to hear the case and make decisions. Magistrate judges hear cases only by the implicit or express consent of both parties and this **has not** been given.

Respectfully submitted this 9<sup>th</sup> day of December, 2010.

  
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## CERTIFICATE OF SERVICE

34 I, the Plaintiff, Timothy Harris, does hereby certify that a copy of this Notice To District Judge  
35 was sent to the Defendant American General Financial Services Of America, Inc. through their  
36 attorney of record David W. Dachelet, Esq., Nevada Bar No. 6615, 300 South Fourth Street,  
37 Suite 1400, Las Vegas, Nevada 89101 for the purpose of satisfying the requirement for Notice  
38 and Service and was sent via the United States Postal Service pursuant to Federal Rules of Civil  
39 Procedure 4 (c) (2) (c) (i). This will also be available to any and all PACER ECF participants and  
40 will serve as Notice and Service.

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